Supreme Court, U.S.
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No. 98-347

In the Supreme Court of the United States

OCTOBER TERM, 1998

WILLIAM J. CLINTON,
PRESIDENT OF THE UNITED STATES, ET AL.,
PETITIONERS

v.

JAMES T. GOLDSMITH

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED: AUGUST 26, 1998
CERTIORARI GRANTED: NOVEMBER 2, 1998

1 PP

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DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

[Department of Defense seal omitted]

10 SEP 1996

Brigadier General Robert J. Courter, Jr.
Commander, 37th Training Wing
2000 Bong Avenue Suite 1
Lackland AFB TX 78236-5000

Major James T. Goldsmith
C/O Major Sperre
HQ AFSPA Det 1
US Disciplinary Barracks
Ft Levenworth KS 66027

Dear Major Goldsmith

This is to inform you that you were considered but not selected for promotion to the grade of lieutenant colonel by the CY96C Lieutenant Colonel Promotion Board which convened at the Air Force Personnel Center on 08 Jul 96. You were, however, selected for continuation by the CY96C Major Selective Continuation Board that convened in conjunction with the promotion board.

As a result of your selection by the continuation board, you have the opportunity to remain on active duty until you first become eligible to retire as an officer at 20 years of military service. Your decision to

accept or decline continued active service must be indicated on the attached continuation acceptance/ declination statement and returned to 37 MSS/ DPMPE-3 by **8 Nov 96**. However, if you accept continuation, your date of separation will not be established, until the current Uniform Code of Military Justice (UCMJ) action is finalized. If you decline, your date of separation will be established as 28 Feb 97, but you will be placed on administrative hold until the UCMJ action has been completed.

Provided you remain eligible, you will be considered for promotion by the next Lieutenant Colonel Promotion Board which will consist of entirely different board members. You will be considered for promotion by all subsequent central Lieutenant Colonel Promotion Boards for which you meet the eligibility criteria. If you have questions concerning your promotion status or selective continuation please contact TSgt Hyde, MPF Promotions at DSN 473-3806. Please acknowledge receipt of this letter and return it within five days to 37 MSS/DPMPE-3.

Sincerely

/s/ ROBERT J. COURTER, JR.
ROBERT J. COURTER, JR.
Brigadier General, USAF
Commander

Attachments:

1. *Acceptance*/Declination Statement
2. Separation Fact Sheet

1st Ind, to 37 TRW/CC memo, Lt Col Nonselection

TO: 37 MSS/DPMPE-3
1561 Stewart Street Suite 4
Lackland AFB TX 78236
Attn: Tsgt. Hyde

Receipt acknowledged.

signed 24 Sep. 96

JAMES T. GOLDSMITH, Maj, USAF
449-23-0792

STATEMENT OF ACCEPTANCE/DECLINATION
FOR SELECTIVE CONTINUATION

1. /s/ JTG I accept continuation on active duty. I understand that I may withdraw an earlier established voluntary DOS and accept continuation. Accordingly, as a continued officer, I understand:

a. I cannot change my decision after 60 calendar days following the release of the results of the Selective Continuation Board IAW AFI 36-2501.

b. Continuation begins on 1 Mar 97 and my date of separation will be established to coincide with the date I first become eligible for retirement (20 year retirement) as an officer under any provision of law or age 60 as a Reserve officer, whichever date is earlier.

c. I incur a one year active duty service commitment from the date my continuation period begins. I may apply for a date of separation or retirement, if eligible, that is no earlier than the completion of my commitment. Also, a request for separation any time after entering the continuation period is voluntary and, if approved, will not result in separation payment.

d. Unless rendered ineligible under some other provision of law, regulation, or policy, I will remain eligible for schooling, assignments, and promotion consideration.

e. If selected and promoted to the active duty grade of lieutenant colonel, I will no longer be considered as serving in a continued status.

f. I remain subject to separation under other policies, regulations or statutes during my continued service.

2. ___ I decline continuation on active duty. I understand that if I decline continuation or do not respond within 60 calendar days, I will be involuntarily separated under AFI 36-3207 or I may elect early retirement after declining continuation if otherwise eligible and TERA is still available NLT 28 Feb 97.

/s/ JAMES T. GOLDSMITH
JAMES T. GOLDSMITH, Maj, USAF
459-23-0792